

4. Plaintiff is a natural person currently residing in Wentzville, Missouri. Plaintiff is a “consumer” within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

5. Defendant is a collection agency with its principal place of business in Houston, Texas. The principal business purpose of Defendant is the collection of debts in Missouri and Defendant regularly attempts to collect debts alleged to be due another.

6. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a “debt collector” as defined by the FDCPA. 15 U.S.C. § 1692a (6).

FACTS

7. On or about December 18, 2014, Plaintiff received a dunning letter from Defendant attempting to collect a debt owed to Hollywood Casino in the amount of \$1,029.00 with a Reference Number of 39141143990311.

8. Plaintiff filed for bankruptcy protection on July 30, 2014.

9. Plaintiff’s Petition for Bankruptcy was filed in the Eastern District of Missouri.

10. The debt at issue was included on Schedule F of Plaintiff’s Chapter 7 Bankruptcy Plan.

11. The Defendant was listed and received notice of Plaintiff’s bankruptcy.

12. Plaintiff was granted a discharge by the Eastern District of Missouri Bankruptcy Court on November 6, 2014.

13. Defendant had no legal authority to continue collection activity once a consumer has filed for bankruptcy protection.

14. Sending dunning letters in an attempt to collect a debt constitutes collection activity.

15. Defendant's activity has caused damage to Plaintiff's credit report and has, in part, prevented Plaintiff from getting a "fresh start" following her bankruptcy discharge.

COUNT I: VIOLATIONS OF THE FDCPA

16. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

17. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, *15 USC 1692 et. seq.*, including, but not limited to, the following:

a. Engaging in conduct the natural consequence of which was to harass, oppress or abuse Plaintiff. 15 U.S.C. § 1692d.

b. Using false, deceptive, or misleading representation or means in connection with the debt collection. 15 U.S.C. § 1692e and e(10).

c. Taking action that cannot legally be taken by attempting to collect a debt enrolled in bankruptcy protection. 15 U.S.C. § 1692e(5).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;

D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 USC 1692(k); and

E. For such other relief as the Court may deem just and proper.

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